

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, August 10, 2015
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Wery, Ald. Tim De Wane, Ald. Steuer, and Ald. Scannell
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Jim Mueller, City Attorney, Capt. Jeremy Muraski, and other interested parties.

1. Roll Call.

Ald. Wery, Ald. Tim De Wane, Ald. Steuer and Ald. Scannell were present. It is noted that Ald. Steuer was attending another meeting and arrived a few minutes after the meeting began.

2. Approval of the Agenda.

A motion was made by Ald. Scannell seconded by Ald. Tim DeWane to approve the agenda. Motion carried.

3. Approval of the minutes from the July 14, 2015 meeting.

A motion was made by Ald. Scannell and seconded by Ald. Tim DeWane to approve the minutes from the July 14, 2015 meeting. Motion carried.

4. Request by Ald. Steuer, considering the Tavern League has spent much money nationally to ensure patrons have a safe ride home, that a placard/sticker be placed in the interior of said patron's vehicle so that tickets or other repercussive measures do not occur (held up from the July 14 meeting).

A motion to hold until Ald. Steuer arrives at meeting made by Ald. Tim DeWane; seconded by Ald. Scannell.

Ald. Steuer has arrived and committee has opened this item for discussion.

Ald. Steuer spoke on this issue and stated this has been an interesting topic. He has met with tavern owners recently and they are very much in favor of this issue. He has been gathering data and discussing this issue with tavern owners. He hopes to have even more data available to bring forward to the Council meeting next week. Ald. Steuer stated there are logistics that still need to be worked out. Ald. Steuer further stated the main intent of this communication was to ensure safety.

Attorney Mueller stated he would like to take a bit more time on this issue, as well; there are issues that need to be looked into and addressed further.

Motion to open the floor to interested parties in attendance for discussion made by Ald. Scannell; seconded by Ald. Steuer.

Jeff Mirkes, Downtown Green Bay, stated he wanted to bring up the impact on special events and employees that may arrive at 4:45 a.m. to park and/or set up in designated areas when considering the logistics of this issue.

A motion was made by Ald. Steuer and seconded by Ald. Tim DeWane to hold the request by Ald. Steuer, considering the Tavern League has spent much money nationally to ensure patrons have a safe ride home, that a placard/sticker be placed in the interior of said patron's vehicle so that tickets or other repercussive measures do not occur (held up from the July 14 meeting). Motion carried.

5. Application for a "Class B" Combination License by Knutson Ventures, LLC at 1583 Main Street (currently Imart Pub and Grill) referred back from the July 21, 2015 Common Council meeting).

Attorney Mueller explained that this item was referred back from last meeting as there were questions that needed to be addressed. Ald. Nennig is here to present some information, as he, Attorney Bohnert and the Green Bay Police Department had met with the applicant.

Ald. Nennig stated he received some concerns from some of his constituents. The main concern was if there were going to be underage persons in a licensed establishment. There is State law that reads if there are 12 or more pool tables in a licensed establishment, underage persons would then be allowed in that establishment. It was further explained that the bar and pool hall are actually separated within the same building, with separate entrances. A neighborhood meeting was held on July 29, 2015 wherein questions and concerns were addressed. The applicant has a good history running KK Billiards and have promised good security and no disruption to the neighbors. Ald. Nennig stated that the neighbors were pleased with the information provided. The applicant was present, however had nothing more to add. There were no objections to this application.

A motion was made by Ald. Scannell and seconded by Ald. Wery to approve the application for a "Class B" Combination License by Knutson Ventures, LLC at 1583 Main Street (currently Imart Pub and Grill) with the approval of the proper authorities. Motion carried.

6. Application for a "Class A" Liquor License by Dino Shell LLC at 1828 S. Ashland (currently has beer license).

There were no objections to this application.

A motion was made by Ald. Tim DeWane and seconded by Ald. Scannell to approve the application for a "Class A" Liquor License by Dino Shell LLC at 1828 S. Ashland (currently has beer license) with the approval of the proper authorities. Motion carried.

7. Applications for “Class A” Cider Licenses by Kwik Trip Inc. at 935 Lombardi Avenue, 1871 Shawano Avenue, 1215 East Mason Street, and 1712 East Mason Street.

Attorney Mueller explained that this is a new type of license that was created in the 2015 State budget for convenience stores and/or gas stations that sell beer only. It was further explained that cider has to be under 7.50% alcohol; made from apples/pears.

No representatives from Kwik Trip were present. There were no objections to this application.

A motion was made by Ald. Scannell and seconded by Ald. Tim DeWane to approve the applications for “Class A” Cider Licenses by Kwik Trip Inc. at 935 Lombardi Avenue, 1871 Shawano Avenue, 1215 East Mason Street, and 1712 East Mason Street with the approval of the proper authorities. Motion carried.

8. Appeal by Amy Pagenkopf to the denial of her Operator License application.

Atty. Mueller stated the City Attorney’s Office recommends denial based on the applicant’s arrest and conviction record which substantially relates to the licensed activity.

The Green Bay Police Department also recommends denial for the same reasons.

Attorney Mueller explained this application was denied based upon the conviction record as follows:

2012
2nd Degree Recklessly Endangering Safety – Use of Dangerous Weapon, Felony,
Guilty
2006
OWI, Forfeiture

Motion to open the floor to registered parties made by Ald. Scannell; seconded by Ald. Tim DeWane. Motion carried.

Amy Pagenkopf, 715 ½ Irvington Street, took the floor. She explained that when this all happened, she wasn’t familiar with the court system; had she known more she would have handled her case differently. This incident was a result of a bad relationship she was in at that time. She served two years. She explained that De Pere City Council heard her story and issued a license, which she just received recently. She stated she is a very good person and very responsible. She will be working at the 1919, the heart of the City, the Green Bay Packers; she needs her license for this job.

Ald. Tim DeWane questioned the reckless endangerment and asked Ms. Pagenkopf to explain further. She explained that her boyfriend was on top of her,

she was unable to breathe. She had just been making dinner and had a bread knife in her hand. She stated she stabbed him with the knife in order to get him off of her. 911 was called at that time.

Ms. Pagenkopf further stated that her probation agent wrote a letter in which it is stated that she recommends Ms. Pagenkopf be allowed to obtain her license.

Ald. Scannell explained he would like to see more time elapse from the incident to present. He stated that it makes a difference that DePere approved her license. He further stated there appears to be more to the story, as it appears she was given some bad advice on how to handle her case.

Ald. Tim DeWane addressed Ms. Pagenkopf with a question as to how substantial the injuries were to the victim. Ms. Pagenkopf answered by stating the injuries were quite substantial; they were not intentional to be substantial, however, she just needed to get him off of her as she could not breathe.

Ald. Scannell addressed Attorney a Mueller with a question, given his experience with case details of this nature. Attorney Mueller stated there would be self-defense plea options that quite possibly should have been explored at that time.

It is noted that Ald. Steuer arrived to meeting.

Ald. Scannell stated he would move to approve at this time, however, would like more time to think on it. This will be presented at Council next week and can be discussed more in depth at that time. Ald. Scannell advised Ms. Pagenkopf to attend that meeting on 8/18/15 at 7:00 p.m. to address any questions Council may have at that time.

A motion was made by Ald. Scannell and seconded by Ald. Wery to approve the appeal by Amy Pagenkopf to the denial of her Operator License application. It is noted that Ald. Steuer abstained, since he just arrived and was not present to hear information. Motion carried.

9. Appeal by Yanice Williamson to the denial of her Public Vehicle Operator application.

Atty. Mueller stated the City Attorney's Office recommends denial based on the applicant's arrest and conviction record which substantially relates to the licensed activity.

The Green Bay Police Department also recommends denial for the same reasons.

Attorney Mueller explained the denial of this application occurred based upon the conviction record as follows:

2012

Speeding, Guilty

Violate Child Safety Restraints, Guilty

2013

Operating After Suspension, Guilty

Operate without a Valid License, Guilty

Operating while Suspended 2nd offense, Guilty

Speeding, Guilty

3 counts of Operating while Suspended (1 count Guilty/2 counts dismissed)

2015

Operating after Suspended, Guilty then Reopened

Violation of Child Safety Restraint Requirements, Guilty then Reopened

Attorney Mueller explained these are all driving related offenses and Ms. Williamson is applying for a public vehicle operator license.

Motion to open the floor to registered parties made by Ald. Steuer; seconded by Ald. Scannell.

Yanice Williamson, address inaudible, took the floor. She explained that she moved to Green Bay from Minnesota. There were issues with her Minnesota driver's license and when she was pulled over in Green Bay they automatically issued citations. However, when she got everything switched over to Wisconsin she has had no citations or moving violations. She stated she currently works for MV Transportation. If she does not get her license she will not be able to be employed there any longer.

Ald. Tim DeWane questioned her heavy foot with speeding. Ms. Williamson stated they were very costly tickets so she watches her speed very cautiously.

Ald. Steuer stated the driving violations listed were Wisconsin violations and asked of Ms. Williamson if she had any driving violations in Minnesota. Ms. Williamson responded by saying no, she did not have any violations in Minnesota. She said Minnesota is not as strict as Wisconsin.

Ald. Steuer further questioned the 2015 violations. He wanted clarification as to someone using her name, those violations did not belong to her; they have been reopened. Attorney Mueller stated not to take the listed 2015 offenses into account. The main concerns of the committee are her driving behaviors, specifically speeding.

Ald. Scannell addressed Attorney Mueller with a question as to liability. If the City would grant Ms. Williamson a license and there was a problem who would be liable. Attorney Mueller responded the liability would fall upon the employer, MV Transportation.

It is noted that Ms. Williamson presented the committee with a letter from MV Transportation wherein stating Ms. Williamson is doing a great job in training and

would request she be allowed her license so as to be able to drive for their company.

A motion was made by Ald. Scannell and seconded by Ald. Wery to approve the appeal by Yanice Williamson to the denial of her Public Vehicle Operator application. Motion carried.

10. Appeal by Charles Anderson to the denial of his Public Vehicle Operator application.

Atty. Mueller stated the City Attorney's Office recommends denial based on the applicant's arrest and conviction record which substantially relates to the licensed activity.

The Green Bay Police Department also recommends denial for the same reasons.

Attorney Mueller explained the denial of this application was based upon the conviction record as follows:

2005

Extradition, Felony, Extradited from Wisconsin

2006

Fugitive Warrant, Felony, Extradited from Wisconsin

Party to a Crime of Maintaining a Drug Trafficking Place (amended from Possession with Intent to Deliver Heroin) Felony, Guilty

2012

Operating without Insurance, Forfeiture, Guilty

Motion to open the floor to registered parties made by Ald. Steuer; seconded by Ald. DeWane.

Charles Anderson, 613 Hubbard Street, took the floor. He stated he has opened his own taxi company, Transporter Livery. He explained he needed his public vehicle operator license to be a back up driver. He has two drivers for two of his vehicles. He was asked to explain the extradition. He was living in Chicago and had a warrant in Chicago. He went to Milwaukee to visit his brother and was pulled over and was found to be in possession of crack cocaine. This was in 2005; he was about 19 years of age. He is currently age 29 and has been living in Wisconsin for some time now; he has obtained his CDL and has been driving without issue.

Mr. Anderson was asked to further explain the charge of party to a crime of maintaining a drug trafficking place. Mr. Anderson explained that he was at his brother's place in Milwaukee, knowing that drugs were present, and did not take any action to remove himself from the situation. He was not, himself, in possession of drugs at that time.

The committee noted that they felt that Mr. Anderson has turned things around. His demeanor was good. Enough time has passed since the offenses. By

opening his own business displays responsibility. He has driven truck for a number of years without issue.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the appeal by Charles Anderson to the denial of his Public Vehicle Operator application. Motion carried.

11. Appeal by Christopher Kleczka to the denial of his Public Vehicle Operator application.

Atty. Mueller stated the City Attorney's Office recommends denial based on the applicant's arrest and conviction record which substantially relates to the licensed activity.

The Green Bay Police Department also recommends denial for the same reasons.

Attorney Mueller explained the denial of this application was due to conviction record as follows:

2007

Possession of THC, Misdemeanor, Guilty
Carry Concealed Weapon, Dismissed and Read-in
Criminal Trespass to Dwelling, Misdemeanor, Guilty
Disorderly Conduct, Dismissed and Read-in

2009

Possession of THC, Misdemeanor, Guilty
Possession of Drug Paraphernalia, Dismissed and Read-in

2010

Operating while Revoked, Misdemeanor, Guilty

2013

Speeding
Failure to use Seatbelt

2014

Retail Theft as a Repeater, Misdemeanor, Guilty

Motion to open floor to registered parties made by Ald. Steuer; seconded by Ald. Tim DeWane.

Christopher Kleczka, 1250 Raleigh Street, took the floor. He stated he is 25 years of age and some of the offenses took place back when he was 18 years old. He will be employed by Mr. Charles Anderson who just spoke before him. Mr. Kleczka explained the most recent retail theft charge. He explained he took in his sister and her husband, who suffered from Post Traumatic Distress Disorder quite badly. His brother-in-law had stolen some paint and used Mr. Kleczka's ID to return the stolen product. He explained the criminal trespass to dwelling as going into a house to retrieve a pet snake that was taken from him. Mr. Kleczka explained that he was young and did dumb things. He further explained operating under revocation. He couldn't pay tickets and therefore his license was suspended and caused a domino effect. He is engaged now. He

feels he has grown up and lives a different life, choosing to hang around better people and has not gotten into trouble; he does not do drugs any longer.

The committee felt that Mr. Kleczka explained himself very well and covered everything they needed to know. Enough time has passed; offenses occurred when Mr. Kleczka was young.

A motion was made by Ald. Tim DeWane and seconded by Ald. Scannell to approve the appeal by Christopher Kleczka to the denial of his Public Vehicle Operator application. Motion carried.

12. Quarterly Report of chronic nuisance addresses, including liquor establishments, submitted by the Green Bay Police Department.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to receive and place on file the Quarterly Report of chronic nuisance addresses, including liquor establishments, submitted by the Green Bay Police Department. Motion carried.

A motion was made by Ald. Tim DeWane and seconded by Ald. Scannell to adjourn the meeting at 6:15 p.m. Motion carried.

For all licensing issues, the Committee may potentially convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wisconsin Statutes, for the purpose of considering information with respect to licensing for a person. The applicant has the right to demand that the meeting be held in open session. The applicant may also request that the meeting be held in closed session. The Committee may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

If there are any questions regarding the agenda, please call Dawn, City Clerk's Office, at 448-3010.

ACCESSIBILITY: Any person wishing to attend who, because of a disability, requires special accommodation should contact the City Safety Manager at 448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.

Please take notice that it is possible that additional members of the Council may attend this committee meeting resulting in a majority or quorum of the Common Council. This may constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.

The audio tape and minutes of this meeting will be available at www.greenbaywi.gov